

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

In re:

THE FINANCIAL OVERSIGHT AND
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS

Re: ECF Nos. 9334, 9343

(Jointly Administered)

URGENT CONSENTED MOTION FOR EXTENSION OF DEADLINES

To the Honorable United States Magistrate Judge Judith Gail Dein:

The Commonwealth of Puerto Rico (the “Debtor”) respectfully submits this urgent consented motion for entry of an order, substantially in the form attached hereto as **Exhibit A** (the “Proposed Order”), extending the deadlines set forth in the *Order Scheduling Briefing of Motion for Stay Relief* [ECF No. 9343] (the “Scheduling Order”).²

Request for Relief

1. On November 26, 2019, Xiomara Rivera-Cruz and Carlos Luis Merced-Centeno, by themselves and on behalf of minor A.O.M.R. (collectively, “Movants”), filed a *Motion for*

¹ The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17 BK 3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17 BK 3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17 BK 3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17 BK 3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Building Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS). (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

² The Financial Oversight and Management Board for Puerto Rico, as the Debtor’s representative pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”), has authorized the Department of Justice to file this Urgent Motion on behalf of the Commonwealth.

Stay Relief [ECF No. 9334] (the “Motion”) requesting that the Court: (i) find PROMESA unconstitutional for lack of compliance with the Uniformity Clause, the Fifth Amendment and International law, and (ii) seeking relief from the automatic stay to allow the case captioned *Rivera-Cruz et al v. Caldero-Lopez et al*, Civil Case Num. 3:16-cv-02469-CCC (the “Prepetition Action”) pending before the United States District Court for the District of Puerto Rico to continue and proceed to judgment, holding in abeyance any monetary relief the Debtor would be compelled to comply by judgment. Motion p. 17.

2. On October 16, 2019, this Court entered the Scheduling Order, which provides that objections to the Motion must be filed by December 10, 2019, and Movants’ reply papers by December 17, 2019.

3. The Debtor is in the process of reviewing the pertinent information regarding the Prepetition Action in order to consensually resolve the Motion. Thus, the Debtor, with Movants’ consent, proposes the following extensions of the deadlines set forth in the Scheduling Order:

- The deadline to file objections to the Motion shall be extended to **December 20, 2019**.
- The deadline for Movants to file their reply shall be extended to **December 27, 2019**.

4. The Debtor discussed this request with counsel for Movants who consented to the relief requested herein and to extend the period referenced in 11 U.S.C. § 362(e)(1) pending the Court’s determination of the Motion.

5. Pursuant to Paragraph 1.H of the *Tenth Amended Notice, Case Management and Administrative Procedures* [ECF No. 8027-1] (the “Case Management Procedures”), the Debtor hereby certifies that it has carefully examined the matter and concluded that there is a true need for an urgent motion; it has not created the urgency through any lack of due diligence; has made a bona fide effort to resolve the matter without a hearing; has made reasonable, good-faith

communications in an effort to resolve or narrow the issues that are being brought to the Court, and no party opposes the relief requested herein.

Notice

6. The Debtor has provided notice of this motion in accordance with the Case Management Procedures to the following parties: (a) the Office of the United States Trustee for the District of Puerto Rico; (b) the indenture trustees and/or agents, as applicable, for the Debtors' bonds; (c) the entities on the list of creditors holding the 20 largest unsecured claims against COFINA; (d) counsel to the statutory committees appointed in these Title III cases; (e) the Office of the United States Attorney for the District of Puerto Rico; (f) counsel to the Oversight Board; (g) the Puerto Rico Department of Justice; (h) the Other Interested Parties;³ (i) all parties filing a notice of appearance in these Title III cases; and (j) Movants. A copy of the motion is also available on the Debtors' case website at <https://cases.primeclerk.com/puertorico/>.

7. The Debtor submits that, in light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE, the Debtor requests the Court enter the Proposed Order and grant such other relief as is just and proper.

Dated: December 10, 2019
San Juan, Puerto Rico

³ The "Other Interested Parties" include the following: (i) counsel to certain of the insurers and trustees of the bonds issued or guaranteed by the Debtors; and (ii) counsel to certain ad hoc groups of holders of bonds issued or guaranteed by the Debtors.

Respectfully submitted,

DENNISE N. LONGO-QUINONES

Secretary of Justice

WANDYMAR BURGOS-VARGAS

Deputy Secretary in Charge of Litigation

/s/Susana I. Peñagaricano-Brown

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Exhibit A

Proposed Order